

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

La Unión del Pueblo Entero, *et al.*,

Plaintiffs,

v.

State of Texas, *et al.*,

Defendants.

Case No. 5:21-CV-844-XR
(consolidated cases)

PRIVATE PLAINTIFFS' MOTION FOR STATUS CONFERENCE

The Private Plaintiffs in these consolidated cases respectfully move for a status conference on or before August 24, 2023 for the Court to provide guidance on the impact of its recent Summary Order, which will assist Plaintiffs in assessing what witness testimony will be helpful to the Court in resolving issues still in dispute in the litigation.

1. As the Court is aware, this matter consolidates various challenges to a Texas election law known as S.B.1 brought by individuals, organizations, and the United States.

2. Throughout August 2023, Plaintiffs and Defendants filed pretrial disclosures and responded and objected to other parties' pretrial disclosures. The number of Plaintiffs, Defendants, and the consolidated nature of this proceeding has made these tasks far more complicated than in most other federal civil litigation.

3. On August 17, 2023, the Court issued a Summary Ruling on Section 101 Materiality Claims and Order on Pretrial Filings. (ECF No. 724.) The ruling – following upon an advisory by the United States, the OCA Plaintiffs, and the Intervenor-Defendants that their Section 101 claims could be resolved on summary judgment – is predicated on a representation that the Court's pretrial ruling on materiality claims could streamline issues to be tried. (*See id.* at 2.) The Court granted the United States and the OCA Plaintiffs' motions for summary judgment on their

materiality claims as to sections 5.07 and 5.13 of SB 1 but stated that “[a] written order awarding the declaratory and injunctive relief as to Sections 5.07 and 5.13 of S.B. 1 requested [in the United States’ motion] will follow.” (*Id.* at 6.) Thus, the Private Plaintiffs remain unclear as to the current status of sections 5.07 and 5.13 of SB 1, which they have challenged on other grounds in this consolidated litigation. As the Private Plaintiffs cull down their witness list in response to the Court’s ruling, they seek guidance on the Court’s expectations as to what remaining claims against 5.07 and 5.13 should be included in this phase of trial.

4. On August 18, 2023, Plaintiffs moved for extension of time to file the Joint Pretrial Order, requesting a due date of August 25, 2023 in light of the Court’s Summary Ruling on Section 101 Materiality Claims and Order on Pretrial Filings and the Court’s renewed instruction to review carefully and cull witness lists. (ECF No. 727.)

5. As of the date of this Motion, Plaintiffs’ request for extension of time remains pending before the Court.

6. Plaintiffs hereby request a short status conference (under an hour) before August 25, 2023, the deadline for their advisory indicating the witnesses they expect to call so that the parties appropriately frame their submission based what claims remain in the litigation.

Pursuant to Local Rule CV 7.G, Private Plaintiffs advise the Court that counsel for the parties conferred on August 21, 2023 in a good-faith attempt to resolve the matter by agreement. Private Plaintiffs certify that State Defendants, Intervenor-Defendants, and County Defendants are unopposed to this request for a status conference. Defendants Harris County, Hidalgo County, Travis County, and Kim Ogg did not respond with their position by the time of filing. The United States takes no position on the motion.

CONCLUSION

For the above reasons, Plaintiffs respectfully ask the Court to set a status conference expected to last under an hour on or before August 24, 2023.

Dated: August 21, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on [DATE], a true and correct copy of the foregoing document was filed via the CM/ECF system and all counsel of record were served electronically.

/s/ **DRAFT**

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